IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1980

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NO. 80-6657

JAMES E. PATTERSON,
APPELLANT,

ORIGINAL COPY

VERSUS

OTIS J. ABERNATHY, RALPH JOHNSON, JAMES LEWIS, KENNETH GORDON, THEODORE FRANKEL, JEFFERY SMITH, WILLIAM E. HOFFMAN, JR., JOHN HINCHEY, WESLEY BOYD, NEIL GUNTER, HANS J. SCHACHT, AND THE UNITED STATES DISTRICT COURT-NORTHERN DISTRICT OF GEORGIA, APPELLEES.

REPLY BRIEF

Reply

APPELLANT NOTES THAT APPELLEES REFUSED TO FILE EITHER A MOTION TO DISMISS HIS JURISDICTIONAL STATEMENT OR TO AFFIRM THE LOWER COURT. WHY?

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APPELLEES.

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INTRODUCTION.

THIS ACTION IS PRESENTLY PENDING BEFORE THE COURT ON THE BASIS OF A "JURISDICTIONAL STATEMENT" FILED BY JAMES E. PATTERSON,APPELLANT,PRO SE.APPELLANT FILED HIS "STATEMENT" WITH THE CLERK OF THIS COURT ON MAY 11,1981 BY PLACING SAME IN THE UNITED STATES POSTAL SERVICE WITH SUFFICIENT POSTAGE TO ASSURE ITS DELIVERY TO THE OFFICE OF THE CLERK OF THIS COURT.

THE APPELLEES DID NOT FILE A MOTION TO DISMISS OUR "JURISDICTIONAL STATEMENT",NOR A MOTION TO AFFIRM,NOR ANY OPPOSITION TO "QUESTIONS PRESENTED"BY APPELLANT.

COMES NOW THE APPELLANT AND STATES WHY HE BELIEVES THE APPELLEES DID NOT RESPOND TO HIS "QUESTIONS PRESENTED" WITH HIS JURISDICTIONAL STATEMENT.

ADOPTION. THE APPELLANT BY THIS REFERENCE AND THE PROVISIONS OF FED RULES OF CIV. PROC.RULE 10(c) ADOPTS AS A PART OF HIS "JURISDICTIONAL STATEMENT" THE PLEADING WHICH THE CLERK DOCKETED

ADOPTION.

ON APRIL 9,1981 BUT WHICH WAS NOT ENTITLED "JURIS---- DICTIONAL STATEMENT" OUR "STATEMENT"WAS DOCKETED AFTER APRIL 9TH WHEN THE CHIEF DEPUTY CLERK,MR.LORSON,REQUESTED THAT WE -- FILE A "JURISDICTIONAL STATEMENT"WHICH COMPLIED WITH SUPREME COURT RULE 15 AND HE KINDLY LOANED US A SAMPLE COPY OF A PROPERLY PREPARED "JURISDICTIONAL STATEMENT" TO FOLLOW AS WE PREPARED OUR "STATEMENT".

THEREFORE,WE RESPECTFULLY REQUEST THAT THIS COURT CONSIDER OUR "JURISDICTIONAL STATEMENT" AS OUR ATTEMPT TO MOVE -- THIS COURT TO ENTER ITS OPINIONS ON "QUESTIONS PRESENTED" IN - THE PROPERLY PREPARED "JURISDICTIONAL STATEMENT"MAILED ON MAY 11,1981 WHICH ARE"QUESTIONS" THAT THE LOWER COURTS HAVE REFUSED TO RULE UPON BECAUSE TO HAVE DONE SO THE LOWER COURTS WOULD -- HAVE HAD NO CHOICE OTHER THAN TO AGREE WITH OUR CLAIM THAT FEDERAL JUDGE,ALBERT J.HENDERSON,JR.,CONSPIRED WITH THE APPELLEES TO DENY US DUE PROCESS OF LAW REVELANT TO CASES NOS.C77-6-N,C78-31-N AND C78-47-N.

WHY NO OPPOSITION?

IT MUST BE NOTED WITH MORE THAN JUST A PASSING INTEREST THAT THE DEFENDANTS/APPELLEES HAVE AGAIN TRIED TO CONTROL THE - JUDGMENT OVER THIS MATTER WITH THE SAME DISHONEST CONDUCT WITH WHICH THEY HAVE EMPLOYED TO CONTROL THIS MATTER SINCE 1976.

EXHIBIT NO. 1 ATTACHED SHOWS THAT THEY FALSELY STATED TO THE CLERK OF THE FIFTH CIRCUIT COURT OF APPEALS THAT I HAD MAILED TO THEM ON MAY 12,1981 "NOTICE OF INTENT TO APPEAL" THAT WAS,OF COURSE, A FALSE STATEMENT SINCE WE FILED "NOTICE TO APPEAL"TO THE SUPREME COURT ON FEBRUARY 25,1981.

PLEASE NOTE THAT THE DEFENDANTS FURTHER LIED BY FALSELY ALLEGING THAT THE FEDERAL APPELLANT COURT HAD RULED THAT WE - COULD NOT APPEAL TO THE SUPREME COURT,OR AS THEY STATED,"COULD NOT CONTINUE THIS APPEAL" NOW,OF COURSE,A LAWYER KNOWS THAT NO APPEALS COURT CAN PREVENT A PARTY FROM APPEALING TO THE SUPREME COURT.

THEN PLEASE NOTE THAT EXHIBIT NO. 1 SHOWS THAT THE DEFENDANTS EXPRESSED A DESIRE TO FILE A BRIEF OPPOSING OUR "NOTICE OF INTENT TO APPEAL" WHICH THEY DID NOT RECEIVE FROM US IN

WHY NO OPPOSITION?

THE FIRST PLACE ON MAY 12,1981 AS THEY FAISELY ALLEGE. THUS,THIS COURT SHOULD NOTE WITH A KEEN,PARTICULAR INTEREST THAT THE SAME DEFENDANTS WHO WANTED TO OPPOSE OR NON-EXISTENT "NOTICE OF INTENT TO APPEAL"HAVE NOT FILED A BRIEF DENYING THE TRUTHFULNESS OF APPELLANT'S "QUESTIONS PRESENTED" WITH OUR "JURIS -- DICTIONAL STATEMENT" AND THEY HAD THE RIGHT BY PROVISIONS OF - SUPREME COURT RULE 16.1 TO FILE A MOTION TO DISMISS,OR A MOTION TO DENY US RELIEF,BUT THEY DID NOT HAVE THE RIGHT TO FILE A MOTION TO AFFIRM THE LOWER COURT BECAUSE THE LOWER COURTS,INCLUDING THE FIFTH CIRCUIT COURT OF APPEALS,HAVE ALL REFUSED TO ENTER RULINGS UPON THE "QUESTIONS PRESENTED" IN OUR "JURISDICTIONAL STATEMENT" HOWEVER,THE APPELLEES COULD HAVE ATTACKED THE "QUESTIONS PRESENTED" BUT THEY DID NOT EVEN DO THAT.WHY?

OUR OPINION AS TO WHY THE APPELLEES DID NOT OFFER BRIEFS IN OPPOSITION TO OUR "QUESTIONS PRESENTED" IS TWO FOLD. FIRST, THEY KNOW THAT OUR "QUESTIONS" ARE SUPPORTED BY UN-IMPEACHABLE SUPPORTING EVIDENCE,AND SECONDLY,THEY HOPE THAT THIS COURT WILL NOT CONSIDER THEIR FRAUDULENT CONDUCT OF SUCH "SUFFICIENT MAGNITUDE" AS TO WARRANT THIS COURT'S ATTENTION AND OPINION.

CERTAINLY,EVIDENCE DOCUMENTING THAT APPELLEES ADMIT HAVING CONSPIRED WITH A FEDERAL JUDGE AGAINST THIS PRO SE TO DENY US THE DUE ADMINISTRATION OF JUSTICE DOES WARRANT THIS COURT'S ATTENTION AND OPINION.

IT IS ALSO POSSIBLE THAT BECAUSE THE APPELLEES HAVE ENJOYED A COVER UP OF THEIR FRAUDULENT CONDUCT SINCE 1976 THEY EXPECT THIS COURT TO CONTINUE THE COVER UP OF THEIR FRAUDULENT CONDUCT WITH A FEDERAL JUDGE AND FEDERAL COURT EMPLOYEES,AND THUS, IT IS POSSIBLE THAT THEY OFFERED NO BRIEFS IN OPPOSITION TO OUR EVIDENCE FOR THAT REASON-THEY EXPECT A COVER UP BY THIS COURT.

WHAT DOES THEIR SILENCE SHOW?

BY NOT OFFERING ANY OPPOSING BRIEFS,MOTIONS,OR EVIDENCE, TO APPELLANT'S "QUESTIONS PRESENTED" THE APPELLEES HAVE ADMITTED THAT:

1. THEY DID AS CLAIMED COMPILE A HEARING RECORD TO TERMINATE OUR EMPLOYMENT IN OUR ABSENCE,BUT DESIGNED THE RECORD TO

WHAT DOES THEIR SILENCE SHOW?

1. TO FRAUDULENTLY SHOW OUR PRESENCE;

2. ATTORNEYS FRANKEL AND GORDON DID AS WE CLAIMED USE US,THEIR CLIENT,TO INCREASE THEIR OWN PERSONAL FINANICAL GAIN;

3. THEY DID AS CLAIMED CONSPIRE WITH FORMER FIFTH CIRCUIT COURT EMPLOYEE,RICHARD WINDHORST, (HE WAS FIRED) TO DENY US A FAIR TRIAL ON APPEAL WITH C.A.NO.77-6-,C.A.NO.78-31-N AND C.A. NO.78-47-N.

4. THE APPELLEES HAVE NOT DENIED TO THIS COURT THAT MR. WINDHORST'S EMPLOYMENT WAS TERMINATED BECAUSE OF HIS OPEN CON-- SPIRACY WITH THEM AGAINST THIS PRO SE.

5. THEY DID AS CLAIMED AND SUPPORTED CONSPIRE WITH FEDERAL COURT JUDGE,ALBERT J.HENDERSON,JR., TO GET FROM HIM A FRAUDULENT JUDGMENT FOR CASE NO.C77-6-N AND THEY DID FURTHER CONSPIRE WITH JUDGE HENDERSON TO COVER UP THE FRAUDULENT JUDGMENT FOR C.A. NO.77-6-N AND TO CONTROL THE JUDGMENTS FOR CASES NOS.C78-31-N & C78-47-N BY MEANS OF A FRAUDULENT PROTECTIVE ORDER,A COPY OF --- WHICH WE FURNISHED THIS COURT-IN WHICH FRAUDULENT ORDER JUDGE -- HENDERSON FALSELY ALLEGED THAT AN ATTORNEY REPRESENTED US IN HIS COURT TO PROTECT OUR DUE PROCESS RIGHTS REVELANT TO CASES NOS.C 78-31-n & C78-47-N. THE RECORD IN THE CLERK'S OFFICE REVEALS THAT WE PROCEEDED PRO SE WITH CASES NOS.C78-31-N AND C78-47-N.

6. THEY ADMIT THAT THE LOWER COURT DID PROTECT THEM FOR THEIR HAVING CONSPIRED TO VIOLATE OUR CIVIL RIGHTS BY REFUSING TO ADJUDICATE OUR CLAIM OF THEIR CONSPIRACY WITH A FEDERAL JUDGE WHEN WE DOCUMENTED THAT CLAIM IN C.A.NO.79-106-N.

7. THEY ADMIT THAT C.A.NO.79-106-N WAS FRAUDULENTLY DISMISSED WITH THE SUPPRESSION ORDER THAT THEIR CONSPIRACY WITH JUDGE HENDERSON NOT BE UTILIZED IN ANOTHER LAWSUIT,BUT THE COURT CLAIMS THAT SAID SUPPRESSION ORDER WAS AN INJUNCTION,WHICH IF TRUE,WAS ISSUED IN A MANNER INCONSISTENT WITH DUE PROCESS RIGHTS STATED IN FED R CIV. PROC. RULES 65(a)(1),65(b) AND 65(d),AND THEIR DILENCE DOCUMENTS THE DENIAL OF DUE PROCESS REVELANT TO SAID SUPPRESSION ORDER OR "INJUNCTION"

8. THE REFUSAL OF THE APPELLEES TO DENY THEIR CONSPIRACY WITH A FEDERAL JUDGE AGAINST US IS ALL THE MORE THE REASON WHY THIS COURT MUST BELIEVE THAT THEY DID CONSPIRE.

WHAT DOES THEIR SILENCE SHOW?

8. SEE, SPIRES V.HEARST CORP.(D.C.CAL.1976) 420 F.SUPP. 304 ; U.S.V.PARTIN (D.C.LA.1970) 312 F.SUPP.1355.

WHAT ABOUT COURTS BELOW?

WE MUST POINT OUT TO THIS COURT THAT NEITHER THE DISTRICT COURT OR THE FEDERAL APPELLANT COURT HAS ENTERED RULINGS UPON THE "QUESTIONS PRESENTED" AND THE "FACTS"ADMITTED BY THE REFUSAL OF THE APPELLEES TO OFFER OPPOSING EVIDENCE TO OUR "JURISDICTIONAL STATEMENT"

THE APPELLANT WAS PREVENTED FROM EFFECTING APPEALS FOR CASES NO.C78-31-N & C78-47-N IN WHICH JUDGE HENDERSON CONSPIRED AGAINST US BY REASON OF THE FACT THAT FIFTH CIRCUIT COURT EMPLOYEE,WINDHORST, PREVENTED US FROM EFFECTING APPEALS FOR THOSE -- CASES BY USE OF A FRAUDULENT COURT ORDER AS FULLY EXPLAINED IN OUR "JURISDICTIONAL STATEMENT"

THEN WHEN WE TRIED TO GET A RULING UPON THE JUDGE'S CONSPIRACY BY FILING C.A.NO.79-106-N THE COURT REFUSED TO COMPLY WITH FED R CIV. PROC. 52 WHICH REQUIRES THE COURT TO MAKE FINDINGS OF FACTS AND CONCLUSIONS OF LAW THEREON THOSE FACTS,BUT THE COURT DISMISSED C.A.NO.79-106-N WITH A SUPPRESSION ORDER REVELANT TO THE FRAUDULENT MISCONDUCT OF THE JUDGE AND THE APPELLEES COMMANDING THAT WE NOT UTILIZE THAT EVIDENCE IN ANOTHER LAWSUIT.

THEREAFTER,WE WENT TO THE APPELLATE COURT AND MOVED -- FOR A WRIT OF MANDAMUS STRIKING THE SUPPRESSION ORDER TACKED ONTO DISMISSAL ORDER NO.C79-106-N OR FOR A HEARING IF THE COURT ACCEPTED THAT SUPPRESSION ORDER AS A PERMANENT INJUNCTION.OUR MOTION FOR AN ORDER TO STRIKE OR IN THE ALTERNATIVE A HEARING WAS DENIED BY THE FIFTH CIRCUIT COURT OF APPEALS WITHOUT COMMENT.

SO,WE TRIED TO GET A RULING UPON THE JUDGE'S FRAUDULENT CONDUCT BY TRYING TO FILE C.A.NO.80-1236-A, BUT THE COURT AGAIN WORKED AGAINST US TO ACCEPT AN EX PARTE MOTION TO QUASH THAT ACTION FROM A PARTY NOT UNDER THE COURT'S JURISDICTION. ONE WONDERS HOW A PARTY NOT KNOWING THAT WE WERE TRYING TO FILE C.A.NO.80-1236-A TO GET A CONSPIRACY RULING COULD FILE AN EX

WHAT ABOUT COURTS BELOW?

PARTE MOTION UNLESS SOLICITED BY THE COURT.THE FACT MUST BE STRESSED HERE THAT THE DEFENDANTS HAVE NOT DENIED THEIR COLLUSION WITH THE COURT TO GET C.A.NO.80-1236-A QUASHED - BEFORE - A SINGLE DEFENDANT WAS SERVED A SUMMONS AND COPY OF THAT COMPLAINT.

THE ONLY RESULTS THAT WE GOT OUT OF C.A.NO.80-1236-A WAS THAT THE COURT RULED TRYING TO FILE AND HAVE THAT ACTION SERVED ON THE DEFENDANTS WAS EVIDENCE OF CIVIL CONTEMPT.THUS, THE APPELLEES FILED A MOTION ASKING THAT WE BE CITED FOR CIVIL CONTEMPT AND THE ORDER WAS ISSUED ON AUGUST 7,1980,BUT THE --- COURT AND APPELLEEES HAVE REFUSED FOR TEN (10) MONTHS TO BRING US TO TRIAL IN SPITE OUR FOUR (4) MOTIONS ASKING FOR THAT TRIAL.

THEREFORE,WE HAVE THREE TIMES,WITH C.A.NO.79-106-N, WITH AN APPEAL ,WITH FILING C.A.NO.80-1236-A,BEEN DENIED A RUL--- ING UPON THE DOCUMENTED CONSPIRACY OF JUDGE HENDERSON,AND UPON THE "QUESTIONS"NOW PRESENTED TO THIS COURT,AND IT IS NOT MANIFEST THAT THE "QUESTIONS" ON WHICH THE DECISION OF THIS CAUSE DEPENDS ARE "SO UNSUBSTANTIAL" AS TO NOT NEED FURTHER ATTENTION AND OPINION OF THIS COURT.

WHY SHOULD THIS COURT RULE ?

A STATEMENT OF REASONS WHY THE"QUESTIONS" PRESENTED ARE SO SUBSTANTIAL AS TO REQUIRE PLENARY CONSIDERATION BY THIS COURT SHOWS THAT THE UNITED STATES SUPREME COURT IS UNDER A - DUTY BY ITS ROLE AS SUPERVISOR OVER THE LOWER COURTS TO ASSURE THE CITIZENS OF THIS NATION THAT OUR SYSTEM OF "JUSTICE FOR ALL" WILL NOT BE CORRUPTED BY DISHONEST LOWER FEDERAL COURT JUDGES WHO BY THEIR FRAUDULENT CONDUCT CORRUPT OUR "JUDICAL SYSTEM; AND THIS COURT MUST SEND A MESSAGE TO THE LOWER COURTS THAT IT DOES NOT NOT CONDONE THEIR COVER UP OF EVIDENCE DOCUMENTING THAT JUDGE ALBERT HENDERSON CONSPIRED WITH DEFENDANTS IN HIS COURT TO DENY THIS PRO SE THE DUE ADMINISTRATION OF JUSTICE.

THIS CASE DOES NOT REQUIRE A "BRIEF ON THE MERITS", OR ORAL ARGUMENT BECAUSE THE APPELLEES HAVE ADMITTED BY THEIR "SILENCE" THE ALLEGATIONS IN OUR "JURISDICTIONAL STATEMENT; AND OF COURSE,ALLEGATIONS IN "QUESTIONS PRESENTED:

INTIMIDATION OR CHEATED?

DOES A CHIEF JUDGE OF A FEDERAL DISTRICT COURT HAVE - THE RIGHT TO WRITE A PRO SE A LETTER, AS HE DID, ON MAY 18, 1981 MAKING THREATS TO CITE THAT PRO SE FOR CRIMINAL CONTEMPT BECAUSE THE PRO SE FILED A CIVIL ACTION [1] SEEKING RELIEF FROM A PERMANENT INJUNCTION ISSUED AGAINST THAT PRO SE IN A MANNER INCONSISTENT WITH DUE PROCESS RIGHTS SECURED BY PROVISIONS OF FED R CIV PROC RULES 65(a)(1), 65(b) AND 65(d)? THE COURT WAS THE DEFENDANT. [1]

CAN THAT CHIEF JUDGE OR ONE OF THE JUDGES ON THE BENCH OF HIS DISTRICT COURT CITE THAT SAME PRO SE FOR HIS HAVING EXERCISED HIS FIRST AMENDMENT RIGHT OF FREEDOM OF EXPRESSION TO EXPRESS PRO SE'S PERSONAL OPINION ABOUT THE DISHONEST JUDGES ON THE CHIEF JUDGE'S STAFF WHEN EVIDENCE IN THE RECORD PROVES THE PRO SE TO BE CORRECT?

DO WE HAVE A COMPLAINT/GRIPE AGAINST THE DISTRICT COURT WHEN THE RECORD SHOWS THAT WE FILED C.A.NO.79-87-N NAMING ONE, RICHARD WINDHORST, AS THE DEFENDANT, BUT JUDGE TIDWELL LET THE - CASE STAY ON THE ACTIVE DOCKET FOR SIX (6) MONTHS WHEN HE VERY SUDDENLY DISMISSED IT AFTER WE FILED FOR SUMMARY JUDGMENT, BUT HE DID NOT ADJUDICATE OUR NON-CONTROVERTED S.J.MOTION?

THEREFORE, WE SAY THAT EVIDENCE SHOWS THAT JUDGE TIDWELL IS A CHEATER AND IS DISHONEST- BUT THE CHIEF JUDGE ARGUES THAT TO CALL TIDWELL A CHEATER AND A DISHONEST JUDGE CONSTITUTES EVIDENCE OF CRIMINAL CONTEMPT. DOES HE INTIMIDATE THIS PRO SE? YES, BECAUSE THE CHIEF JUDGE WANTED THE ACTION NAMING HIS COURT AS <u>THE DISHONEST DEFENDANT</u> WITH-DRAWN BY THIS PRO SE.

DO WE HAVE A GRIPE WHEN JUDGE TIDWELL LET C.A.NO.79-103 N, NAMING THE U.S.OF AMERICA AS THE ONLY DEFENDANT, STAY ON THE DOCKET FROM OCTOBER 1979 TO JUNE 1980 AND IN ALL OF THAT TIME THE DEFENDANT NEVER ANSWERED OUR MOTION FOR SUMMARY JUDGMENT - FILED IN MARCH 1980 AND TIDWELL DID NOT ADJUDICATE THAT S.J. MOTION EITHER BEFORE OR WHEN HE DISMISSED C.A.NO.79-103-N IN JUNE 1980.

THE DEFENDANT WAS REQUIRED BY FED R CIV P RULE 56(c), SUBD.(e) TO HAVE ANSWERED THE S.J.MOTION IN MARCH 1980-BUT HE DID NOT AND JUDGE TIDWELL LET MARCH, APRIL AND MAY PASS WITHOUT ADJUDICATION OUR MOTION FOR S.J.REVELANT TO C.A.NO.79-103-N ONLY

INTIMIDATION OR CHEATED?

TO RULE IN JUNE 1980 THAT THE ACTION HAD TO BE DISMISSED BECAUSE IT WAS NOT STYLED IN COMPLIANCE WITH RULE 8. IS JUDGE TIDWELL DISHONEST? DID HE CHEAT US OUT OF THE JUDGMENT FOR C.A.NO.79-103-N? YES,HE IS AND BECAUSE WE SAID AS MUCH THE CHIEF JUDGE MADE THREATS TO CITE US FOR CRIMINAL CONTEMPT. INTIMIDATED? CHEATED?

JUDGE VINING IS ANOTHER JUDGE ON THE BENCH OF CHIEF-JUDGE,CHARLES A.MOYE'S,COURT.JUDGE VINING FALSELY CERTIFIED TO THE FIFTH CIRCUIT COURT OF APPEALS THAT WE FAILED TO APPEAR AS ORDERED FOR A CONTEMPT TRIAL WHEN THE RECORD SHOWS THAT - JUDGE VINING HAS NEVER SET A DATE TO HEAR THE SHOW CAUSE ORDER SERVED ON US IN AUGUST 1980.

JUDGE VINING LIED TO SAY THAT WE DID'NT WANT A TRIAL BUT THAT THE DEFENDANTS IN C.A.NO.79-106-N DID AND SO THEY APPEARED AND WE DID NOT.GEE! WHAT A LIE FOR BENEFIT OF THE DEFENDANTS.FAILURE TO HAVE APPEARED WOULD HAVE RESULTED IN - JUDGE VINING TRYING US IN ABSENTIA OR OF HIS GRANTING THE DEFENDANTS DEFAULT JUDGMENT.NO SUCH ORDER WAS ENTERED BY JUDGE VINING.

WE SAID THAT JUDGE VINING WAS A CONVICTED LIAR AND WE PRESENTED THE EVIDENCE TO PROVE AS MUCH.BUT CHIEF JUDGE MOYE MADE THREATS TO CITE US FOR CRIMINAL CONTEMPT FOR CALLING -- JUDGE VINING WHAT THE EVIDENCE PROVES HIM TO BE- A CONVICTED LIAR. DID VINING'S PERJURY TO THE APPELLANT COURT INTIMIDATE AND CHEAT US OF EQUAL RIGHTS AND EQUAL PROTECTION OF THE COURT?

DOES THE UNITED STATES SUPREME COURT HAVE A DUTY TO BECOME INVOLVED IN THE EVIDENCE DOCUMENTING DISHONEST FEDERAL JUDGES?

QUESTIONS RAISED.

THIS CASE RAISES THE QUESTIONS OF (1) WHETHER A LOCAL SCHOOL BOARD HAS THE LEGAL POWER TO TERMINATE THE EMPLOYMENT OF A TENURED TEACHER WITH 30 YEARS OF SERVICE WITH THAT LOCAL SCHOOL BOARD IN A MANNER INCONSISTENT WITH DUE PROCESS,AND DOES THAT BOARD (2) THEN HAVE THE POWER TO ASK THE GA.PRO---- FESSIONAL PRACTICES COMMISSION (COMMISSION) TO CONDUCT A SECRET HEARING TO DETERMINE IF THE BOARD HAD SUFFICIENT EVIDENCE

QUESTIONS RAISED.

TO HAVE TERMINATED THE EMPLOYMENT OF THAT TENURED --- TEACHER AT WHICH SECRET HEARING SUPERINTENDENT ABERNATHY AND HIS WITNESSES TESTIFIED AND PRESENTED EVIDENCE AGAINST THAT ABSENT, TENURED, TERMINATED TEACHER, AND (3) DOES A FEDERAL JUDGE HAVE THE POWER TO CONSPIRE WITH ABERNATHY AND COMMISSION EXECUTIVE OFFICERS BY MEANS OF A FRAUDULENT PROTECTIVE ORDER TO COVER VER UP THE DENIAL OF DUE PROCESS BY THE LOCAL SCHOOL BOARD AND BY THE COMMISSION, AND (4) CAN A PRO SE BE FOUND GUILTY OF - BEING THE AUTHOR OF SOME 127 "INSURBORDONATE" EXHIBITS WHEN NO HEARING RECORD SHOWS THAT PRO SE WAS CONFRONTED ON CROSS-EXAMINATION REVELANT TO HIS ALLEGED 127 SIGNATURES, AND (5) CAN A DISTRICT COURT ISSUE A PERMANENT INJUNCTION AGAINST A PARTY WHILE VIOLATING HIS DUE PROCESS RIGHTS CITED BY PROVISIONS OF FED R CIV PROC RULES 65(a)(1), 65(b) AND 65(d), AND (6) CAN A DISTRICT COURT ORDER A PERSON TO SHOW CAUSE WHY HE SHOULD NOT BE HELD IN CIVIL CONTEMPT AND THEN DENY HIS DUE PROCESS RIGHTS UNDER THE SPEEDY TRIAL ACT TO A HEARING EVEN 10 MONTHS AFTER THE SHOW CAUSE ORDER WAS ENTERED ON AUGUST 7, 1980?

THE CHIEF DEFENDANT IN THIS CASE, THE UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF GEORGIA, HAS NOT SUBMITTED A BRIEF REVELANT TO THIS MATTER AND NOW THE RECORD SHOWS THAT SAID DEFENDANT HAS ADVISED THIS COURT THAT IT DOES NOT NOT - WISH TO FILE A RESPONSE TO OUR "JURISDICTIONAL STATEMENT" AND WE ARE INTELLIGENT ENOUGH TO KNOW THEY SAID DEFENDANT IS EX-- PECTING THE COURT TO CONTINUE THE COVER UP BECAUSE THAT EVIDENCE COMES FROM A LOWLY PRO SE.

WE SUBMIT TO THIS COURT THAT THE U.S. JUSTICE DEPARTMENT HAD THE DUTY TO FILE A BRIEF IN DEFENSE OF JUDGE HENDERSON IF HE WERE NOT GUILTY OF THE CHARGES AND THE COURTS HAVE HELD THAT "FAILURE TO OPPOSE MOTION FOR DISQUALIFICATION OF - JUDGE WAS STRONG SUPPORT FOR GRANTING IT" SEE, SPIRES V. HEARST CORP., (D.C.CAL.1976) 420 F.SUPP.304. THEREFORE, IN THE ABSENCE OF ANY OPPOSITION TO OUR DOCUMENTED FEDERAL JUDICARY CONSPIRACY THIS COURT MUST AGREE THAT IT INCUMBENT UPON IT TO ACCEPT ALL OF OUR PLEADINGS AS HAVING BEEN ABMITTED BY THE ALL DEFENDANTS.

QUESTIONS ADMITTED.

FEDERAL RULES OF CIVIL PROCEDURE RULE 8(d) PROVIDES -- THAT IF A DEFENDANT FILES AN ANSWER TO A COMPLAINT HE MUST - ADMIT OR DENY EACH ALLEGATION IN THE COMPLAINT, BUT IF THE DEFENDANT DOES NOT DENY AN ALLEGATION, OR IF HE DISREGARDS IT BY NOT ADMITTING OR DENYING IT, HE WILL BE CONSIDERED TO HAVE ADMITTED THE ALLEGATION(S).

WE KNOW THAT THE JUSTICE DEPARTMENT WAS NOT BOUND BY RULE 8 IF HE HAD CHOSEN TO FILE AN OPPOSING BRIEF TO OUR --- "JURISDICTIONAL STATEMENT", BUT THE RULE 8 PRINCIPLE SHOULD APPLY FOR A DEFENDANT WHO OFFERS NO OPPOSITION TO APPELLANT'S APPEAL.

FED R CIV PROC RULE 8(c) LISTS 19 MATTERS AS AFFIRMATIVE DEFENSES WHICH ARE MOST COMMONLY USED AND REGARDED AS AFFIRMATIVE IN FEDERAL PRACTICE AT THE TIME THE RULES WERE ADOPTED. THE JUSTICE DEPARTMENT HAD THE RIGHT BY SUPREME COURT -- RULE 16.1 TO FILE A MOTION TO DISMISS OR UPHOLD THE LOWER - COURT AND SAID MOTION COULD HAVE BEEN BASED ON 19 DIFFERENT AFFIRMATIVE DEFENSES, BUT NO OPPOSITION TO OUR APPEAL BY THE DEFENDANT IS JUST CAUSE TO RULE "GUILT ADMITTED? IN EVERY -- LAWSUIT FILED BY THIS PRO SE IN WHICH THE FEDERAL GOVERNMENT WAS INVOLVED THE JUSTICE DEPARTMENT HAS FILED MOTIONS TO DISMISS ON THE GROUNDS THAT SAID COMPLAINT DID NOT COMPLY WITH THE FORM REQUIRED BY RULE 8. SUPREME COURT RULE 16.1(a) GAVE THE JUSTICE DEPARTMENT THE RIGHT TO HAVE FILED THE SAME TYPE OF MOTION TO DISMISS, BUT NO SUCH MOTION WAS OFFERED.

PERSONALLY, I SUBMIT AS A "RAISED QUESTION" COULD THE JUSTICE DEPARTMENT HAVE SUCCESSFULLY ARGUED THAT JUDGE HENDERSON WAS AFFORDED "JUDICAL IMMUNITY?" THEY MOST LIKELY --- COULD HAVE WHICH IS WHY WE NAMED THE COURT AS A DEFENDANT - RATHER THAN A JUDGE. THUS, THE "RAISED QUESTION" FOLLOWS COULD THE JUSTICE DEPARTMENT HAVE SUCCESSFULLY ARGUED THAT THE -- COURT DID NOT PERMIT DEFENDANTS TO CONTROL FEDERAL COURT JUDGMENTS FOR CASES NOS. C78-31-N AND C78-47-N VIA MEANS OF A --- FRAUDULENT PROTECTIVE ORDER WHEN WE FURNISHED THIS COURT WITH A COPY OF THAT FRAUDULENT PROTECTIVE ORDER?

FURTHERMORE, I SUBMIT AS A "RAISED FACT" THAT THE JUSTICE DEPARTMENT DID NOT FILE A MOTION TO DISMISS OUR JURISDICTIONAL

QUESTIONS ADMITTED.

STATEMENT ON THE GROUNDS THAT IT DID NOT COMPLY WITH SUPREME COURT RULE 15 BECAUSE THAT DEFENANT FULLY AND CLEARLY EXPECTS THIS COURT NOT TO CONSIDER SERIOUSLY OUR APPEAL FOR NO - OTHER REASON THAN THAT WE ARE PROCEEDING PRO SE AND TO BELIEVE SAID ALLEGATION AS I DO MAKES ME FEEL VERY INSECURE AND "EATS" AT MY NERVOUS SYSTEM BECAUSE SUCH AN ATTITUDE SHOWS THAT THE DEFENDANTS ADMITS HIS GUILT BUT LOOKS UPON A PRO SE AS SOMETHING LESS THAN A PERSON WHO IS NOT ENTITLED TO HAVE HIS THIS COURT AFFORD HIM WITH EQUAL RIGHTS AFFORDED PARTIES REPRESENTED BY - ATTORNEYS.

NOW THAT THE JUSTICE DEPARTMENT HAS ADMITTED THAT THE COURT DID CONSPIRE WITH THE OTHER DEFENDANTS NAMED IN CASE NO.80-6657 THEY HAVE BEEN STRIPPED OF ANY AFFIRMATIVE DEFENSE BECAUSE IF JOHN DOE ADMITS THAT HE CONSPIRED WITH BILL SMITH AGAINST JAMES PATTERSON ,THEN,SMITH IS GUILTY.SUCH ARE THE FACTS MADE TRUE BY THE COURT WAIVING ITS RIGHT TO FILE ANY TYPE OF RESPONSE TO OUR "JURISDICTIONAL STATEMENT".

LOCAL RULE 91.2 OF THE RULES FOR THE UNITED STATES DISTRICT COURT-NORTHERN DISTRICT OF GEORGIA,DECLARES THAT: "FAILURE TO FILE A RESPONSE TO A MOTION SHALL INDICATE THAT THERE IS NO OPPOSITION TO THE MOTION". IF THIS COURT PLEASE,THE DEFENDANTS HAVE ADVISED THIS COURT "THAT THERE IS NO OPPOSITION" BY "FAILURE TO FILE A RESPONSE" TO OUR APPEAL.

CONCLUSIONS.

THIS APPELLANT HAS NOT ASKED THIS COURT TO AWARD HIM ANY MONETARY DAMAGES BECAUSE MONEY IS NOT THE ISSUE HERE,AND IT IS POSSIBLE THAT THE DEFENDANTS HAVE NOT OPPOSED OUR APPEAL BE--- CAUSE WE DID NOT ASK FOR MONETARY DAMAGES, BUT WE ASKED ONLY FOR A TRIAL.

THE ISSUES HERE ARE THAT (1) WE WERE DENIED EQUAL RIGHTS OF SUPERINTENDENT ABERNATHY TO BE PRESENT WHEN HE ASKED HIS - SCHOOL BOARD TO TERMINATE OUR EMPLOYMENT ON APRIL 12,1976,AND (2) WE WERE DENIED EQUAL RIGHTS TO BE PRESENT WHEN ABERNATHY - AND HIS WITNESSES SUBMITTED EVIDENCE AND GAVE TESTIMONY SO THE COMMISSION COULD COMPILE A HEARING RECORD SUPPORTING THE LOCAL

CONCLUSIONS.

BOARD'S DENIAL OF DUE PROCESS IN THE MANNER IN WHICH IT VOTED TO TERMINATE OUR EMPLOYMENT ON APRIL 12,1976,AND (3) WE WERE NOT AFFORDED EQUAL RIGHTS AND EQUAL PROTECTION BY THE - FEDERAL COURT WHEN THE COURT CONSPIRED WITH ABERNATHY AND COMMISSION EXECUTIVE OFFICERS TO CONTROL THE JUDGMENTS FOR FEDERAL COURT CASES NOS.C78-31-N AND C78-47-N VIA MEANS OF A FRAUDULENT PROTECTIVE ORDER FALSELY ALLEGING THAT "MY ATTORNEY"AGREED WITH THE TERMS OF THAT FRAUDULENT PROTECTIVE ORDER WHEN THE COURT KNEW,OF COURSE,THAT NO LAWYER REPRESENTED US WITH THOSE CASES,AND (4) WE ARE ENTITLED TO A "SPEEDY TRIAL" WITH COURT APPOINTED COUNSEL TO ANSWER THE ORDER COMMANDING US TO SHOW CAUSE WHY WE SHOULD NOT BE HELD IN CIVIL CONTEMPT OF - COURT,AND (5) WE ARE ENTITLED TO A TRIAL ON THE MERITS OF C.A. NO.79-106-N TO SHOW THAT THE SO CALLED INJUNCTION TACKED ONTO DISMISSAL ORDER FOR THAT ACTION WAS ISSUED IN A MENNER INCONSISTENT WITH SECURED DUE PROCESS RIGHTS BY PROVISIONS OF FED R CIV PROC RULES 65(a)(1),65(b) AND 65(d).

THEREFORE,THE ONLY RELIEF WHICH WE NOW SEEK FROM THIS - COURT IS TO ENTER AN ORDER MANDATING OUR RIGHTS TO A TRIAL UPON THE NON-OPPOSED "QUESTIONS PRESENTED" IN OUR"JURISDICTIONAL STATEMENT"AND THE "ISSUES" CITED HEREIN THE CONCLUSION OF THIS PLEADING.

APPELLANT RESPECTFULLY REQUESTS SUCH OTHER AND FURTHER - RELIEF THAT THE COURT DEEMS TO BE APPROPRIATE AND JUST.

RESPECTFULLY SUBMITTED,

James Patterson

JAMES E.PATTERSON,PRO SE
1004 VERNON STREET
LAGRANGE,GEORGIA 30240
[404] 882-8533

DATED: 6-8-81.

LAW OFFICES OF
STEVEN E. FANNING P.C.
P. O. BOX 668 18 W. BROAD ST.
NEWNAN, GEORGIA 30264

STEVEN E. FANNING
Ike Hudson

TELEPHONE
(404) 253-8484

U.S. COURT OF APPEALS
RECEIVED
MAY 15 1981
ATLANTA, GA

May 13, 1981

pet. mo. from pet. atty. stating on May 5, 1981 a letter dated 5-13-81-?

Mr. Gilbert F. Ganucheau
Clerk, U. S. Court of Appeals
Atlanta Division Fifth Circuit
Atlanta, Georgia 30303

Re: James E. Patterson Vs. Otis J. Abernathy, Hans J. Schacht, et.al., No. 80-8289
and
James E. Patterson Vs. Otis J. Abernathy, U. S. District Court for the Northern District of Georgia, et.al., No. 80-8290

Dear Mr. Ganucheau:

We represent Mr. Kenneth Gordon, a named party in the captioned cases.

On May 12, 1981, we were served with a "Notice of Intent to Appeal" which we believe has been filed by the Plaintiff/ Petitioner in this matter. No not from me.

In as much as the United States Court of Appeals for the Fifth Circuit (Atlanta Division) has ruled that Mr. Patterson may not continue with his legal actions, we are uncertain if we should at this time file a brief in opposition to Mr. Patterson's "Notice of Intent to Appeal".

Please advise us if it is necessary, at this time, to file a brief in opposition to Mr. Patterson's "Notice of Intent to Appeal".

Thank you for your kindness and cooperation.

Yours Very Truly,
Steven E. Fanning, P.C.

By: Ike Hudson

IH/rg

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JUDGE MOYE,

NOW, THAT THE JUSTICE DEPARTMENT HAS AFMITTED THAT YOUR COURT IS GUILTY OF CONSPIRING AGAINST US, WE SEEK THE ACTION OF AN HONEST CHIEF JUDGE.

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1980

JAMES E. PATTERSON, PETITIONER

vs. No. 80-6657

OTIS ABERNATHY, ET AL., RESPONDENTS

WAIVER

The Government hereby waives its right to file a response to the petition in this case, unless requested to do so by the Court.

WADE H. McCREE, JR.
Solicitor General

JUNE 1, 1981.

appendix no. 2

cc: MR. JAMES E. PATTERSON
1004 Vernon Street
Lagrange, Georgia 30240
(Air Mail)

WHEN A PARTY CHARGED WITH A CRIME GOES BEFORE THE COURT AND PLEADS "NO DEFENSE" HE/SHE IS ADMITTING THAT HE/SHE IS "GUILTY AS CHARGED" AND BY OFFERING NO DEFENSE SAID PARTY "THROWS HIMSELF/HERSELF ON THE MERCY OF THE COURT" THE JUSTICE DEPT. BY THIS MOTION ADMITS THAT THE COURT IS "GUILTY AS CHARGED" U.S.DIST.COURT.NORTHERN DIST.GA.

(Formerly G-56) FORM OSG-13
DOJ 12-7-76

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"AN APPELLANT WHO INTENDS TO URGE ON APPEAL THAT A FINDING OR CONCLUSION IS SUPPORTED BY THE EVIDENCE MUST INCLUDE IN THE RECORD A TRANSCRIPT OF ALL EVIDENCE REVELANT TO THAT FINDING OR CONCLUSION." "THE APPELLANT HAS THE BURDEN TO PROVIDE THE APPELLANT COURT "WITH AN APPENDIX SUFFICIENT TO SUPPORT ITS POINTS ON APPEAL." FED R APP P RULE 10 h. U.S.V.ONE MOTOR YACHT NAMED MERCURY,(1ST CIR 1975) 527 F 2D 1112; RACHBACH V.COGSWELL,(10TH CIR 1976) 547 F2D 502.

1. WE FURNISHED IN OUR APPENDIX A COPY OF THE FRAUDULENT COURT ORDER UTILIZED BY FORMER JUDICAL SUPPORT OFFICER FOR THE FIFTH CIRCUIT COURT OF APPEALS,ONE RICHARD WINDHORST, TO PREVENT US FROM EFFECTING APPEALS FOR CASES NOS.C78-31-N AND C78-47-N.

2. THE DEFENDANTS OFFERED THIS COURT NO COUNTER EVIDENCE REVELANT TO OUR CLAIM RESPECTIVE TO WINDHORST'S CONSPIRACY WITH THE DEFENDANTS AND NOW THEY HAVE WAIVED THEIR RIGHTS TO EVEN FILE A RESPONSE TO MR.WINDHORST'S CONSPIRACY WITH THEM.

3. THEREFORE,IT IS INCUMBENT UPON THIS COURT TO FIND THAT WE FURNISHED "SUFFICIENT EVIDENCE IN THE APPENDIX TO SUPPORT OUR POINT ON APPEAL."

4. THE DEFENDANTS HAVE NOT OFFERED ANY COUNTER EVIDENCE TO CONTROVERT OUR CLAIM REVELANT TO THE CONSPIRACY WITH THE FRAUDULENT PROTECTIVE ORDER AND HAVE NOW WAIVED THEIR RIGHTS TO ATTACK THAT EVIDENCE AS "INSUFFICIENT"

5. EVIDENCE FURNISHED BY THE APPELLANT IN THE APPENDIX OF HIS APPEAL INCLUDED A COPY OF THE FRAUDULENT PROTECTIVE ORDER NOT SIGNED AND A SECOND COPY WHICH WAS SIGNED BY A FEDERAL JUDGE AND THE DEFENDANTS HAVE NOT CONTROVERTED OR RESPONDED TO THAT EVIDENCE AND THEREFORE IT IS INCUMBENT UPON THIS COURT TO FIND THAT WE FURNISHED "SUFFICIENT EVIDENCE TO SUPPORT OUR POINT ON APPEAL."

6. THE FRAUDULENT PROTECTIVE ORDER WAS UTILIZED TO PREVENT US FROM PROVING OUR CLAIM THAT THE COMMISSION CONDUCTED A SECRET HEARING IN OUR ABSENCE TO COMPILE A HEARING RECORD THAT WOULD SUPPORT THE LOCAL SCHOOL BOARD'S TERMINATION OF OUR EMPLOYMENT ON APRIL 12, 1976 WHICH WAS ALSO DONE IN OUR ABSENCE.

7. NOW THAT WE HAVE FURNISHED THIS COURT "WITH SUFFICIENT EVIDENCE IN OUR APPEAL APPENDIX" TO SUPPORT OUR CLAIM REVELANT TO THE PURPOSE FOR THE FRAUDULENT PROTECTIVE ORDER AND NOW THAT THE DEFEND-

AUTHORITIES

7. ANTS HAVE CHOSEN NOT TO RESPOND TO OUR EVIDENCE IT IS INCUMBENT UPON THIS COURT TO FIND THAT WE HAVE PROVEN OUR ABSENCE WHEN THE COMMISSION COMPILED THE HEARING RECORD REVELANT TO THIS MATTER BECAUSE WE FURNISHED THIS COURT "WITH AN APPENDIX SUFFICIENT TO SUPPORT ITS (THIS) POINT ON APPEAL" AND SILENCE FRAOM THE DEFENDANTS LEAVES THE COURT WITH NO CHOICE OTHER THAN TO FIND THAT WE WERE ABSENT AND THAT THE COURT AND DEFENDANTS TRIED TO COVER UP THAT FACT WITH A FRAUDULENT PROTECTIVE ORDER DESIGNED TO DENY OUR RIGHT OF - ACCESS TO ALL EVIDENCE AND THE RIGHT TO TAKE DEPOSITIONS FROM THE DEFENDANTS AND THE RIGHT OF ACCESS TO THE COMMISSION'S COPY OF"THIS HEARING RECORD"